

### III. REMARKS

The independent claims have been amended as requested. Thus they now conform to 35 U.S.C. 112, second paragraph.

Claims 1-5, 8-13, 16 and 18-21 are not unpatentable under 35 U.S.C. 102(b) as being anticipated by Dent.

The independent claim 1 recites "for the transmission of information about the encryption key a broadcast control channel control field is selected which is not used as a general broadcast control channel control field". The remaining independent claims have similar limitations. This feature has the advantage of avoiding unnecessary receiving operations and avoiding increased power consumption in other mobile terminals (see page 15, lines 17-19).

Dent discloses in the cited column 6, lines 15-30, that key synchronization information is sent over a high data rate control channel in connection with handover. What is disclosed in that passage is that uncryptographically encoded synchronization information is transmitted in response to a handoff command. The Examiner disagrees with this argument and states that the high data rate channel of Dent is not a general broadcast control channel but instead is specifically used to transmit the encoded data bits until handoff is required (column 6, line 50-column 7, line 2).

However, the passages indicated by the Examiner disclose that normally synchronization information is periodically transmitted on a low data rate channel to maintain the key stream in each mobile station in exact synchronization with the key stream in the base station with which it is in communication. During a handoff of a mobile station, synchronization information is transmitted on a high data rate channel to the mobile station (col. 6, lines 46—58). This is not the same than the claimed feature of a broadcast control channel control field, which is not used as a general

*broadcast control channel control field*. The low data rate channel and the high data rate channel of Dent can not be regarded as broadcast control channel control fields. Since the claimed feature is not disclosed in Dent, the rejection of claims 1-5, and 8-13, and 16 under U.S.C. 102 on Dent should be withdrawn.

Further, since there is not the slightest suggestion of this feature in Dent with the advantages discussed above, these claims are unobvious over it.

Claims 6 and 14 are not unpatentable under 35 U.S.C. 103(a) over Dent in view of Kojima.

Since the above-discussed and claimed feature is not in Kojima, which merely discloses that the mobile station can request handoff to both the old and the new base station, combining it with Dent does not result in the present invention. Thus the rejection of claims 6 and 14 under 35 U.S.C. 103 on Dent in view of Kojima should be withdrawn.

Claims 7 and 15 are not unpatentable under 35 U.S.C. 103(a) over Dent in view of Gilhausen.

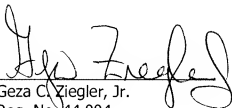
Gilhausen teaches that the mobile station can detect the need for handover and find the cell with the strongest signal. Therefore, the mobile station can request handoff to that cell. Gilhausen also fails to disclose the above-discussed and claimed feature. Thus, combining it with Dent does not result in the present invention. Thus the rejection of claims 7 and 15 under 35 U.S.C. 103 on Dent in view of Gilhausen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and

allowance is respectfully requested, or at least entry for appeal purposes since the claims are in better form for an appeal. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a three-month extension of time as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.  
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12 JAN 2007  
Date

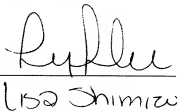
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